

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**FREDERICK BANKS** : **CIVIL ACTION NO. 1:10-CV-2130**

:  
**Plaintiff**

v.

:  
**(Judge Conner)**

**DEBORAH GUFFY, et al.** :

:  
**Defendants**

**ORDER**

AND NOW, this 12th day of January, 2011, upon consideration of the order of the court dated November 30, 2010 (Doc. 7), wherein the court dismissed the above-captioned case without prejudice as a result of plaintiff's failure to submit either a filing fee or an application to proceed *in forma pauperis*, and upon further consideration of the motion (Doc. 8) to reopen the case, filed on December 10, 2010, by Frederick Banks ("Banks") in which Banks states that due to his transfer from FCI Yazoo City, Yazoo City, Mississippi to FCI Phoenix, Safford, Arizona, he did not receive the Administrative Order (Doc. 5) dated October 20, 2010, directing Banks to file the appropriate filing fee or a properly completed application to proceed *in forma pauperis*, and the court noting that Banks filed a notice of change of address (Doc. 6) with the court on October 25, 2010, and the court concluding that the circumstances warrant the relief requested, see FED. R. CIV. P. 60(b) (stating that "the court may relieve a party . . . from a final judgment, order, or proceeding for . . . mistake, inadvertence, surprise, or excusable neglect"), and upon further consideration of the motion (Doc. 9) to proceed *in forma pauperis*, filed by Banks

simultaneously with the motion (Doc. 8) to reopen, and it appearing that Banks has not submitted a trust fund account statement along with his motion, see 28 U.S.C. § 1915(a)(2) (requiring that a prisoner seeking to proceed *in forma pauperis* submit “a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined”), it is hereby ORDERED that:

1. The motion (Doc. 8) to reopen is GRANTED.
2. The Clerk of Court is directed to reopen the above-captioned case.
3. Banks shall submit a trust fund account statement pursuant to the requirements of 28 U.S.C. § 1915 within thirty (30) days of the date of this order. Failure to do so may result in his motion (Doc. 9) to proceed *in forma pauperis* being denied.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge